

E-FILED on 7/22/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNIVERSAL GRADING SERVICE, et al.,

Plaintiffs,

v.

EBAY, INC., et al.,

Defendants.

No. C-09-2755 RMW

ORDER

[Re Docket No. 130]


Plaintiffs have filed a second letter brief requesting administrative relief, this time seeking leave to file a consolidated memorandum of points and authorities in opposition to defendants' two motions to dismiss, not to exceed 50 pages, and also seeking "five more additional court days (or as much time as the Court may see fit) to file this brief due to the press of other business during the time which we must pare down our current draft." Plaintiffs' request for permission to file a consolidated memorandum of 50 pages in length is denied. Plaintiffs' request for an additional five days in which to file their opposition brief is granted.

Plaintiffs have not complied with Civil Local Rule 7-11 governing administrative motions which, among other things, requires plaintiffs to submit either a stipulation with regard to the requested relief or a declaration explaining why a stipulation could not be obtained. Plaintiffs' letter brief is inadequate.

1 In addition, plaintiffs have failed to demonstrate good cause for exceeding the page limits set
2 forth in Civil Local Rule 7-3. Plaintiffs assert that their consolidated 50-page brief "is designed to
3 save judicial resources since, as Plaintiffs believe, it will more efficiently address the arguments of
4 Defendants raised in their respective briefs." Plaintiffs' belief notwithstanding, plaintiffs have not
5 articulated any reason why a single 50-page consolidated brief is likely to save judicial resources. If
6 the opposition brief can be more effectively done in one consolidated brief, that brief should not
7 require the same number of pages as two separate briefs of the maximum length allowed by the
8 rules. The court is therefore not persuaded that judicial economy will be served by allowing
9 plaintiffs to file a 50-page opposition, even if that opposition responds to two motions to dismiss.
10 The court, however, will allow plaintiffs to file a consolidated brief not exceeding 35 pages.

11 The court will allow plaintiffs five additional court days to file their opposition. The original
12 briefing schedule was set by stipulation and order on April 7, 2010 and called for defendants'
13 motions to be filed by May 14, and plaintiffs' oppositions to be filed by July 1. Defendants filed
14 their motions on May 14, and on June 29, the parties entered into a further stipulation granting
15 plaintiffs until July 23 to file their opposition papers. With one week to go before their oppositions
16 were due, plaintiffs filed their first request for leave to file a 100-page consolidated opposition,
17 apparently not contemplating the possibility that the request would be denied. Plaintiffs offer no
18 reason for seeking additional time, other than the "press of other business" while unexpectedly
19 having to pare down their current draft. Although plaintiffs have not made a persuasive showing of
20 good cause, the court will nevertheless allow plaintiffs an additional five days to file their
21 opposition. The court will also give defendants a similar extension for their reply briefs, if
22 requested.

23
24 DATED: 7/22/10



RONALD M. WHYTE
United States District Judge